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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,980	07/11/2000	Leonard E. Marchese	11590/9-1268	1815
7590	06/25/2009	William J SaponE, (REG. NO. 32,518) COLEMAN SUDOL SAPONE, P.C. 714 COLORADO AVENUE BRIDGEPORT,, CT 06605-1601	EXAMINER	
DINH, KHANH Q		ART UNIT		PAPER NUMBER
2451		MAIL DATE		DELIVERY MODE
06/25/2009		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/613,980

Filing Date: July 11, 2000

Appellant(s): MARCHESE, LEONARD E.

William J. Sapone (Reg. No.32,518)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 7/29/29008, 3/6/2008, 9/28/2008 and 1/26/2006 appealing from the Office action mailed 8/26/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

The rejection is a 35 U.S.C. 102 rejection anticipated by Kirk et al., U.S. Pat. No. 6,175,842 (hereafter Kirk).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 21, 22, 24-30, 32 and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirk et al, US pat. No. 6,175,842.

As to claim 21, Kirk discloses a system for organizing and assembling information and resources for interaction with at least one user for facilitating creative problem solving comprising:

a host/server (server 411 fig.4) disposed on a network (404 fig.4).

a plurality of devices (401, 402, 403, 404 fig.4) connectable to the host/server via the network and for generating a plurality of individualized electronic spaces (see abstract, fig.4, col.5 line 43 to col.6 line 39).

means (proxy server 408 fig.4) for a user to configure an individual room by selecting graphic, textual and application information and resources for display in an individualized room, each configured and displayed as selectable iconic images (wall decoration) located in the individualized room (see col.6 lines 1-49 and col.7 lines 10-47).

means for each user to access the individualized electronic room and actuating the selected iconic images for accessing the graphic, textual and application information and resources within the individual electronic room space, storing and displaying the individualized electronic spaces (enabling user to build their own avatar using body type, head shape, see col.7 line 48 to col.8 line 27).

an intelligent agent application (using cospace client software to control user interactions) supported on the host/server for interacting with each user accessing an individualized electronic room (see col.8 lines 6-66).

means for monitoring the intelligent agent and means for engaging a dispatcher [using a cospace server (409 fig.4) to track state of each client including hypertext file they request] for locating resources and tools for user responsive to the intelligent agent (see col.7 line 62 to col.8 line 67 and col.9 line 60 to col.10 line 30).

As to claim 22, Kirk discloses processing means, communication means and storage means (see fig.5, col.11 line 40 to col.12 line 27).

As to claim 24, Kirk discloses each electronic space display as a virtual room on display devices of each of the plurality of users, the common room configured to for computer generated display as a virtual room (VR) being accessible by two or more of users and means for supporting interactive between the selected users within the common room, displayed on each of the user's local display device (see fig.4, col.8 lines 13-67 and col.9 lines 11-59).

As to claim 25, Kirk discloses the selected resources are selected from the group containing of search engines, databases, experts, technical information, work processing applications, presentation applications, planning applications and communication applications (see fig.4, col.9 line 23 to col.10 line 58).

As to claim 26, Kirk discloses generating at least one electronic space that is accessible by a user comprising:

 a computer generated image on a display device (401 fig.4), the image containing selected graphical and textual information displayed in the room image, one or more images being settable as one or more iconic images activatable to access at least one selected resource or software application (enabling users to build their own avatars, see col.6 lines 1-39 and col.8 lines 6-44), each actively accessible selected

resources being usable within a user displayed as images, wherein a user creates an interactive and individual computer generated image furnished with selected images and selected furnishing images (see col.8 lines 6-67).

creating a room viewable by a user selecting decorative images and an intelligent agent application for supported on the host/server for interacting with each user accessing an individualized electronic room and means for monitoring the intelligent agent and means for engaging a dispatcher for locating resources and tools for user responsive to the intelligent agent [using a cospace server (409 fig.4) to track state of each client including hypertext file they request] (see col.7 line 62 to col.8 line 67 and col.9 line 60 to col.10 line 30).

As to claim 27, Kirk discloses the iconic images representing active transport links between a plurality of electronic room spaces, a user can move from one electronic room to another electronic room by actuating an associated transport link (see fig.4, col.9 line 23 to col.10 line 58).

As to claims 28 and 29, Kirk discloses at least one active transport link image is selected from the group consisting of a door image, a painting image and a photograph image (hypertext files containing pictures and paintings in the museum, see col.10 line 60 to col.11 line 52) and a computer generated image of a common room area simultaneously viewable on a plurality of display devices (displaying in client's devices) and being accessible by multiple users to be visually represented within the common

room area for interactive communication (see col.9 lines 1-58 and col.10 line 60 to col.11 line 52).

As to claim 30, Kirk discloses processing means, communication means, and storage means and means to generate and display the room image (see fig.4, col.9 line 45 to col.10 line 58 and col.11 lines 12-52).

As to claim 31, Kirk discloses the electronic space is supported on the network by at least one data processing device having processing means, data storage means, communication means, and means to generate and display the room image (see fig.4, col.9 line 45 to col.10 line 58 and col.11 lines 12-52).

As to claim 32, Kirk discloses a method of a computer based processing system to enhanced creating thinking comprising:

providing a data processing system (fig.4).

using the data processing system to generate an electronic space represented as an image viewed on a computer display device (401 fig.4) linked to a plurality of data resources, human resources and software applications (see col.7 line 48 to col.8 line 37).

selecting activatable links to the resources selected by the user and using the resource (see col.8 lines 38-67 and col.9 lines 1-43).

configuring the electronic space to contain activatable represented as icons within a room space (creating a VR room associated with clients and providing hypertext file links to clients, see fig.4, col.1-49, col.7 line 10 to col.8 line 67 and col.11 lines 13-52) an intelligent agent application for supported on the host/server for interacting with each user accessing an individualized electronic space, using the intelligent agent to view and select the activatable links for incorporation in the electronic room space and providing access to a dispatcher for locating resources and tools for user (configuring a cospace server communicate with other servers and databases to monitor virtual clients, see figs.4, 5, col.6 line 7 to col.5 line 48, col.8 lines 6-44 and col.11 line 40 to col.12 line 11).

As to claims 34-35 and 37, Kurk discloses each recipient (clients 401, 402, 403 of fig.4) having a computer-generated display of the room image on a local display device within an electronic space (see figs.4, 5, col.9 line 11 to col.10 line 59 and col.11 lines 13-52) and the intelligent agent application within the electronic room space to transform user input within the electronic space and generating user selected iconic representations of activatable links to user entertainment resources (providing hypertext links to clients, see figs.4, 5, col.9 line 11 to col.10 line 59 and col.11 lines 13-52).

As to claim 36, Kirk discloses a computer generated image of a common room area simultaneously viewable on a plurality of display devices (displaying in client's devices) and being accessible by multiple users to be visually represented within the common

room area for interactive communication (see col.9 lines 1-58 and col.10 line 60 to col.11 line 52).

(10) Response to Argument

- Appellant asserts that the Kirk reference does not disclose “an intelligent agent application supported on the host server for interacting with each user”.

Examiner respectfully disagree. Kirk discloses the invention for providing shared access to a three dimensional environment with hypertext browsing. Examiner respectfully point out that Kirk discloses an intelligent agent application supported on the host server (cospace server 409 fig.4) for interacting with each user (using the cospace client software capable of interfacing with the cospace server and receiving Virtual Reality (VR) room description data corresponding to the requested hypertext file including portals to other users' rooms and their descriptions and displaying the 3D-VR environment to the users, see col.8 lines 6-66).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Khanh Dinh/

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